

Message Text

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SUBJECT: FINAL VERSION OF HUMAN RIGHTS REPORT FOR
MEXICO

REFERENCE: 77 MEXICO 21315

FOLLOWING IS TEXT OF DRAFT HUMAN RIGHTS REPORT ON
MEXICO THAT HAS NOW RECEIVED FINAL CLEARANCES IN THE
DEPARTMENT. TEXTS WILL BE DELIVERED TO CONGRESS ON
OR ABOUT JANUARY 31. WHILE FOLLOWING TEXT IS PRI-
MARILY FOR YOUR INFORMATION, IF EMBASSY FEELS FURTHER
COMMENTS ARE INDISPENSABLE IT SHOULD SUBMIT THOSE
COMMENTS URGENTLY TO ARRIVE DEPARTMENT BY OPENING OF
BUSINESS JANUARY 25.

1. BEGIN TEXT: SINCE THE CLOSE OF THE 1910 REVOLU-
TION, MEXICO HAS EXPERIENCED RAPID ECONOMIC AND
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SOCIAL DEVELOPMENT WITH POLITICAL STABILITY, THOUGH
THE HIGH RATE OF ECONOMIC GROWTH HAS SLOWED SINCE
1975. ALTHOUGH THERE ARE NO SIZABLE OPPOSITION
PARTIES, THE DOMINANT REVOLUTIONARY INSTITUTIONAL
PARTY IS A CHANNEL FOR CONSIDERABLE POLITICAL
PARTICIPATION AND DEBATE.

2. THE CONSTITUTION, LAWS AND MUCH OF THE POLITICAL DISCOURSE CONSISTENTLY AFFIRM OR REFLECT SOCIAL JUSTICE AND EQUALITY AS BASIC IDEALS OF THE REVOLUTION. INDIVIDUAL RIGHTS ARE GENERALLY RESPECTED IN PRACTICE. HUMAN RIGHTS VIOLATIONS HAVE OCCURRED, AS NOTED BELOW, BUT ARE NOT CONDONED BY THE GOVERNMENT OF MEXICO AS PUBLIC POLICY. ALSO NOTED BELOW ARE ATTEMPTS BY THE GOVERNMENT TO REDUCE SUCH VIOLATIONS. MEXICO HAS A GOOD HUMAN RIGHTS RECORD IN INTERNATIONAL AFFAIRS, WITH TRADITIONAL SUPPORT FOR THE PERSECUTED OF OTHER COUNTRIES AND WITH FREQUENT PARTICIPATION IN MULTILATERAL APPROACHES TO HUMAN RIGHTS PROBLEMS.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE

GOVERNMENT POLICY CONDEMS THE USE OF TORTURE. HOWEVER, CASES OF PSYCHOLOGICAL AND PHYSICAL POLICE ABUSE ARE REPORTED. SUCH ABUSES ARE BELIEVED TO OCCUR MOST OFTEN IN THE PERIOD IMMEDIATELY FOLLOWING ARREST, ESPECIALLY DURING INTERROGATION. THERE ARE FEWER INSTANCES OF SUCH REPORTS UNDER THE CURRENT ADMINISTRATION.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
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CONDITIONS IN MANY MEXICAN JAILS ARE POOR DUE TO OVERCROWDING, PRIMITIVE SANITARY CONDITIONS AND INADEQUATE DIET. THE UNITED STATES HAS CONDUCTED NEGOTIATIONS WITH MEXICO WITH RESPECT TO JAILED AMERICAN CITIZENS, MOST OF WHOM HAVE BEEN HELD ON DRUG CHARGES. REPATRIATIONS UNDER AN AGREEMENT TO EXCHANGE PRISONERS BEGAN IN LATE 1977.

C. ARBITRARY ARREST OR IMPRISONMENT

MEXICAN CITIZENS ARE GUARANTEED THE RIGHT OF 'AMPARO, A CONSTITUTIONAL PROTECTION PROVIDING AGAINST /COERCIVE AND ABUSIVE ACTS OF AUTHORITY.' INCIDENTS OF ARBITRARY ARREST AND IMPRISONMENT OCCUR MOST FREQUENTLY IN THE AREA OF CRIMINAL LAW. ARBITRARY ARRESTS AND DETENTIONS OF SUSPECTED SUBVERSIVES HAVE BEEN CHARGED ON OCCASION BY CIVIL RIGHTS GROUPS AND BY THE PRESS. WHILE THE EVIDENCE IS NOT CONCLUSIVE, IT GIVES RISE TO A REASONABLE PRESUMPTION THAT ALL LEGAL GUARANTEES MAY NOT HAVE BEEN FULLY APPLIED IN SOME OF THOSE CASES.

THE MEXICAN GOVERNMENT HAS CONSISTENTLY DENIED REPORTS THAT IT HOLDS POLITICAL PRISONERS, AND IN 1977 INVITED AMNESTY INTERNATIONAL TO VISIT THE COUNTRY.

D. DENIAL OF FAIR PUBLIC TRIAL

FAIR PUBLIC TRIALS ARE THE NORM. HOWEVER, GUARANTEES LIKE THOSE IN THE U.S. TO PROTECT THE RIGHTS OF PRISONERS DURING PRE-ARRAIGNMENT INTERROGATIONS ARE NOT PART OF THE MEXICAN SYSTEM. IN ADDITION, QUALIFIED LEGAL COUNSEL IS EXPENSIVE AND OFTEN UNOBTAINABLE FOR CRIMINAL CASES. ALTHOUGH PROOF IS LACKING, IT IS WIDELY BELIEVED

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THAT SUSPECTED TERRORISTS HAVE SOMETIMES BEEN KILLED INSTEAD OF BEING BROUGHT TO TRIAL. THERE ARE OCCASIONAL REPORTS IN THE PRESS OF SUSPICIOUS DISAPPEARANCES, BUT THERE IS NO CONCLUSIVE EVIDENCE OF HUMAN RIGHTS VIOLATIONS IN THESE CASES.

E. INVASION OF THE HOME

THERE ARE INDICATIONS THAT MEXICAN POLICE ON A FEW OCCASIONS DURING 1977 HAVE INVADED THE HOMES OR BUSINESS PLACES OF SUSPECTS WITHOUT APPROPRIATE JUDICIAL ORDERS.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

THE ECHEVERRIA ADMINISTRATION (1970-1976) EXPANDED GOVERNMENT SERVICES AFFECTING SHELTER, HEALTH CARE, EDUCATION AND FOOD. THE DEGREE TO WHICH THESE INCREASED SERVICES HAVE REACHED THE POOREST 20 PERCENT OF THE POPULATION IS DIFFICULT TO DETERMINE, BUT THE NEEDS OF THE POOR ARE STILL GREAT. BECAUSE OF THE HIGH POPULATION GROWTH RATE, THE RAPID INCREASE IN SPENDING FOR SOCIAL SERVICES HAS NOT ENSURED AN INCREASE IN PER CAPITA BENEFITS. FURTHERMORE, THE POOREST SEGMENTS OF MEXICO'S POPULATION ARE THOSE LIVING IN REMOTE RURAL AREAS WHERE SOCIAL SERVICES ARE MINIMAL. THE LOPEZ PORTILLO GOVERNMENT'S 1978 BUDGET REFLECTS CONCERN ABOUT UNEMPLOYMENT AND SKEWED INCOME DISTRIBUTION PROBLEMS.

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ALTHOUGH SPECIFIC CASES AND MAGNITUDES ARE DIFFICULT TO DOCUMENT, THE BELIEF IS WIDESPREAD THAT CORRUPTION IN MEXICO DIVERTS SIGNIFICANT RESOURCES TO A MINORITY ELITE. THE LOPEZ PORTILLO GOVERNMENT IS PROSECUTING SEVERAL CASES OF PAST GOVERNMENT CORRUPTION AND THE PRESIDENT HAS SPOKEN OPENLY OF THE NEED TO COMBAT CORRUPTION AS A SERIOUS SOCIAL PROBLEM.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION, AND ASSEMBLY

FREEDOM OF SPEECH AND FREEDOM OF THE PRESS ARE RESPECTED IN MEXICO. LIMITED ONLY BY A MEDIA TRADITION OF AVOIDING DIRECT CRITICISM OF AN INCUMBENT PRESIDENT, MEXICANS OPENLY COMPLAIN ABOUT THE GOVERNMENT AND CAN READ ANY AUTHOR. A WIDE RANGE OF IDEAS IS FOUND IN THE MEDIA AND INTELLECTUAL CIRCLES. THERE ARE NO RESTRICTIONS ON THE PRACTICE OF RELIGION. THERE ARE RESTRICTIONS ON CHURCH OWNERSHIP OF PROPERTY AND POLITICAL PARTICIPATION BY THE CLERGY IS PROHIBITED BY THE CONSTITUTION. THERE ARE FEW RESTRICTIONS ON FREEDOM OF ASSEMBLY: FOR EXAMPLE, DEMONSTRATIONS AND MARCHES REQUIRE PERMITS, WHICH NORMALLY ARE GRANTED, AND ARMS ARE FORBIDDEN.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

MEXICAN CITIZENS MAY TRAVEL ANYWHERE AND EMIGRATE FREELY.

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C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

A NOTABLE FEATURE OF THE ELECTORAL PROCESS IS THAT THE MEXICAN POLITICAL SYSTEM IS DOMINATED BY ONE PARTY. WITHIN THE RULING POLITICAL PARTY AND THE GOVERNMENT, HOWEVER, THERE IS GIVE AND TAKE, WIDE IDEOLOGICAL VARIATION, AND SERIOUS CONCERN FOR THE

ECONOMIC AND SOCIAL NEEDS OF THE COUNTRY. SEVERAL MINORITY PARTIES ARE ACTIVE. INDIVIDUAL CITIZENS ARE FREE TO JOIN THE PRI OR THE MINORITY PARTIES AND TO PARTICIPATE IN THEIR ACTIVITIES. CONGRESS HAS RECENTLY APPROVED PROPOSALS WHICH FACILITATE THE

REGISTRATION OF ADDITIONAL PARTIES AND PROVIDE FOR BROADENED REPRESENTATION OF OPPOSITION PARTIES IN THE LOWER HOUSE.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

MEXICO HAS A GOOD INTERNATIONAL HUMAN RIGHTS RECORD, AND HAS TRADITIONALLY WELCOMED THE PERSECUTED OF OTHER COUNTRIES AND SUPPORTED MULTILATERAL APPROACHES TO HUMAN RIGHTS PROBLEMS, MEXICO HAS BEEN GENERALLY COOPERATIVE WITH INTERNATIONAL HUMAN RIGHTS GROUPS. MEXICO'S FOREIGN SECRETARY INFORMED THE 1977 OAS GENERAL ASSEMBLY THAT THE INTER-AMERICAN HUMAN RIGHTS COMMISSION WOULD BE WELCOME TO VISIT MEXICO. MEXICAN OFFICIALS ALSO EXPRESSED WILLINGNESS TO RECEIVE REPRESENTATIVES OF AMNESTY INTERNATIONAL.

THE AMNESTY INTERNATIONAL REPORT 1977 DISCUSSED
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HUMAN RIGHTS VIOLATIONS IN MEXICO AT SOME LENGTH. AMNESTY BELIEVES THERE MAY STILL BE AS MANY AS 100 TO 200 POLITICAL PRISONERS THERE, THOUGH THE MEXICAN GOVERNMENT HAS PRESENTED EVIDENCE THAT THE PRISONERS IN QUESTION ARE CHARGED WITH OR CONVICTED OF COMMON CRIMES. THE 1977 REPORT STATES THAT SOME OF THE RECOMMENDATIONS MADE BY AMNESTY IN 1976 HAD BEEN IMPLEMENTED BY THE MEXICAN AUTHORITIES (E.G., THE RELEASE OF PRISONERS DETAINED FOR LONG PERIODS WITHOUT TRIAL), BUT THAT OTHER PROBLEMS, SUCH AS USE OF TORTURE BY FEDERAL AND STATE PERSONNEL TO EXTRACT CONFESSIONS, STILL CAUSE CONCERN.

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